

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 7 2004
 PATENT & TRADEMARK OFFICE
 Applicants : Beer et al.) Examiner: A. Kubelik
 Serial No. : 09/770,693)
 Cnfrm. No. : 6816)
 Filed : January 26, 2001)
 For : OOMYCETE-RESISTANT)
 TRANSGENIC PLANTS BY VIRTUE)
 OF PATHOGEN-INDUCED)
 EXPRESSION OF A HETEROLOGOUS)
 HYPERSENSITIVE RESPONSE)
 ELICITOR)

NOTICE OF APPEAL
AND
REQUEST FOR THREE-MONTH EXTENSION OF TIME

Mail Stop: AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Primary Examiner's decision dated November 5, 2003, finally rejecting claims 1-10, 22-44, and 56-73.

Applicants hereby request an extension of time of three months from the due date of February 5, 2004.

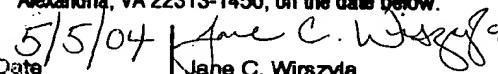
Enclosed is a check in the amount of \$640, which covers the \$165 cost of the appeal fee and the \$475 cost of the extension of time. Please charge any additional fees which may be required or credit any overpayment to Deposit Account No. 14-1138. A duplicate copy of this form is attached.

Respectfully submitted,


 Edwin V. Merkel
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450, on the date below.	
Date	Jahe C. Wirszyla
	

05/10/2004 WABDEL1 00000015 0977063
 01 FC:2401 165.00 DP
 05/10/2004 WABDEL1 00000015 0977063
 02 FC:2253 475.00 DP